



27

PATENT
Docket No. 399632000820

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL 719395247 US Date of Deposit: February 19, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Office of Petitions, Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Rebekah Werth

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Howard M. GREY, et al.

Serial No.: 09/017,735

Filing Date: 3 February 1998

For: HLA-A2.1 BINDING PEPTIDES AND
THEIR USES

Examiner: Ronald B. Schwadron

Group Art Unit: 1644

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231Adjustment date: 05/23/2002 AKELLEY
09/18/2001 HARRAHAM 00000004 031952 09017735
02 FC:228 Dear Sirs: 00 CRRECEIVED
FEB 26 2002
OFFICE OF PETITIONS

Applicant petitions for revival of the unintentionally abandoned above-referenced application.

In a communication dated 16 January 2002 (Exhibit A), the Office noted that the above-referenced application is being forwarded to the Abandoned Files because the applicants' responses filed 2 May 2001 (Exhibit B) and 4 September 2001 (Exhibit C) allegedly did not comply with the sequence listing requirements set forth in the Office communications dated 2 March 2001 (Exhibit D) and 30 July 2001 (Exhibit E), respectively, and the period set for reply plus any obtainable extensions of time have expired. In the responses to the Office

communications filed 2 May 2001 and 4 September 2001, the applicants responded to the sequence requirements by stating that they had identified no pre-May 1998 rule which requires that a sequence be submitted where no sequence is set forth in the specification or claims. The applicants reasoned that there were no sequences in the specification or claims because the portions which refer to amino acids are a listing of alternative, specific residues that are defined at a particular position of a designated motif. The applicants asked the Office to provide them with some guidance as to which pre-July 1998 rules required a sequence listing in this set of circumstances, but the Office provided no such guidance. Accordingly, the applicants fully responded to all of the issues presented in the Office communications dated 2 March 2001 and 30 July 2001, and therefore, the application was unintentionally abandoned should the Office uphold the Notice of Abandonment.

Accompanying this petition to revive the unintentionally abandoned above-captioned application is a sequence listing that the applicants respectfully assert should comply with the sequence listing requirement. It will be seen from the attached sequence listing that the processing procedures have been carefully reviewed and that steps have been taken to avoid repetition of the events that took place in this case so that a similar error will not be made in the future. To aid the Office in determining that the attached sequence listing complies with the sequence listing requirement, a copy of each of the Office communications dated 2 March 2001 and 30 July 2001 are attached herewith.

The entire delay in filing a responsive reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Please charge \$ 1280.00 to **Deposit Account No. 03-1952**. The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment, to **Deposit Account No. 03-1952**. A duplicate copy of this petition is enclosed for that purpose.

Respectfully submitted,

Dated: February 19, 2002

By: 

Bruce D. Grant
Registration No. (47,608)

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7962
Facsimile: (858) 720-5125



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/017,735	02/03/1998	HOWARD M. GREY	018623-00589	8763

7590 01/16/2002
KATE H. MURASHIGE - **BOL**
MORRISON & FOERSTER LLP.
3811 VALLEY CENTRE DRIVE,
SUITE 500
SAN DIEGO, CA 92130-2332

EXAMINER

SCHWADRON, RONALD B

ART UNIT	PAPER NUMBER
----------	--------------

1644

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED CONFIRM ABANDONMENT
REMINDER: 2/7/2002
DUE DATE: —
FINAL DUE DATE: —

RECEIVED

JUN 23 2002

MAIL ROOM

Notice of Abandonment

Application No.
09/017,735

Applicant(s)
Grey et al.

Examiner
Ron Schwadron

Art Unit
1644



- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ No response has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
 - (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The response period has expired and applicant has not complied with the previous Office Action as per the enclosed letter.

RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800

1. The previous office action stated:

No Sequence listing has been submitted for the sequences recited in claims 9,31,41 or 54. The sequence listing submitted in the instant application has been submitted in the preJuly 1998 format and therefore is subject to the preJuly 1998 sequence rules wherein a sequence listing is required for the aforementioned sequences.

Regarding applicants comments in the amendment filed 5/7/2001, the aforementioned claims recite a written description (versus formula depiction) of an amino acid sequence. For example, claim 9 discloses the sequence XYXXXXXZ, wherein Y and Z are the particular amino acids recited in the claims and X at position 3 is 1-3 amino acids. The sequence listing submitted in the instant application has been submitted in the preJuly 1998 format and therefore is subject to the preJuly 1998 sequence rules wherein a sequence listing is required for the aforementioned sequences.

Regarding applicants comments, the aforementioned claims recite a written description (versus formula depiction) of an amino acid sequence. For example, claim 9 discloses the sequence XYXXXXXZ, wherein Y and Z are the particular amino acids recited in the claims and X at position 3 is 1-3 amino acids. This sequence is encompassed by sequences under the preJuly 1998 format. The sequence listing submitted in the instant application has been submitted in the preJuly 1998 format and therefore is subject to the preJuly 1998 sequence rules wherein a sequence listing is required for the aforementioned sequences. Applicants conversation with Bob Wax should confirm this point.

2. Papers related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Papers should be faxed to Group 1600 at (703) 308-4242.
3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-

Serial No. 09017735

3

Art Unit 1644

4680. The examiner can normally be reached Monday through Thursday from 7:30 to 6:00. A message may be left on the examiners voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Ms Christina Chan can be reached on (703) 308-3974. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.



RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1600 *lb00*

Ron Schwadron, Ph.D.

Primary Examiner

Art Unit 1644

Exhibit B

Docket No.: 39963-20008.20	Atty: Kate H. Murashige
Serial N.: 09/017,735	Filing Date: February 3, 1998
Title: HLA-A2.1 BINDING PEPTIDES AND THEIR USES	
Date of Mailing: May 2, 2001	

Papers enclosed herewith:

1. Transmittal (2 pages);
2. Response to Notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures (3 pages);
3. Copy of Notice to comply (3 pages);
4. Request for Extension of time (2 pages);
5. Return postcard.

Docket No.: 39963-20008.20	Atty: Kate H. Murashige
Serial No.: 09/017,735	Filing Date: February 3, 1998
Title: HLA-A2.1 BINDING PEPTIDES AND THEIR USES	
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3. Copy of Notice to comply (3 pages);
4. Request for Extension of time (2 pages);
5. Return postcard.

AKB**RECEIVED****MAY 14 2001****MORRISON & FOERSTER, LLP
SAN DIEGO DOCKETING**

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on May 2, 2001.


Irina Britva

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Howard M. GREY et al.

Serial No.: 09/017,735

Filing Date: February 3, 1998

For: HLA-A2.1 BINDING PEPTIDES AND
THEIR USES

Examiner: Schwadron, R.

Group Art Unit: 1644

TRANSMITTAL

BOX SEQUENCE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Attached hereto for filing are the following:

1. Response to Notice to comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
2. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
3. Request for Extension of Time
4. Return postcard

In the unlikely event that the Patent Office determines that extensions and/or other relief is required, applicant petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or fees due to our Deposit Account No. 03-1952 under Order No. 399632000820. The Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: May 2, 2001

By: Kate H. Murashige
Kate H. Murashige
Registration No. (29,959)

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125

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Assistant Commissioner for Patents, Washington, D.C. 20231, on May 2, 2001.


Irina Britva

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Howard M. GREY et al.

Serial No.: 09/017,735

Filing Date: February 3, 1998

For: HLA-A2.1 BINDING PEPTIDES AND
THEIR USES

Examiner: Schwadron, R.

Group Art Unit: 1644

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO
ACID SEQUENCE DISCLOSURES**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed March 2, 2001, for which a response was due on April 2, 2001. A (one) month extension of time along with the required fee are enclosed.

Please enter the following remarks.

Remarks

The original Sequence Listing in the above-captioned patent application was filed on May 18, 1998, in response to the first Notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acids sequence disclosures. This communication is in response to the second Notice to comply, dated March 2, 2001, wherein The Examiner has asked the Applicants to submit a sequence listing for the amino acid sequences recited in claims 9, 31, 41 and 54.

However, we would like to call the Examiner's attention to the fact that the amino acids presented in the claims are not amino acid sequences as required by 37 CFR 1.821-1.825. They are listings of alternative, specific residues that are defined at a particular position for the designated motif. This is clarified in the Preliminary Amendment, filed June 30, 1999, where the referenced amino acid residues are separated by commas.

Due to a forementioned reason, we do not believe that a Sequence Listing is required for the above-captioned patent application.

In the unlikely event that the transmittal letter is separated from this response and the U.S. Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our Deposit Account No. 03-1952. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: May 2, 2001

By: Kate H. Murashige
Kate H. Murashige
Registration No. (29,959)

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: SEE ENCLOSED NOTE

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231, on May 2, 2001.

U. S. J.
Irina Iritva

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Howard M. GREY et al.

Serial No.: 09/017,735

Filing Date: February 3, 1998

For: HLA-A2.1 BINDING PEPTIDES AND
THEIR USES

Examiner: Schwadron, R.

Group Art Unit: 1644

PETITION FOR EXTENSION OF TIME
37 C.F.R. § 1.136(a)

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant petitions the Assistant Commissioner for Patents under 37 C.F.R. § 1.136(a), to extend the time for response to the Notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures dated March 2, 2001.

This extension will extend the time the response is due from April 2, 2001 to May 2, 2001.

- ☒ A one month extension is requested; the extension fee is \$110.00
- ☐ A *[second/third] month extension is requested; the extension fee is \$*.
- ☐ A *[one/two] month Petition for Extension of Time was previously filed with the appropriate fee on *.
- ☐ The shortened statutory period has been reset by an Advisory Action dated *.

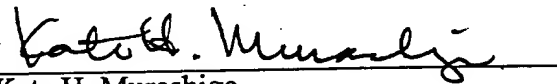
- ☐ A check in the amount of \$* is attached.
- ☒ Charge \$110.00 to Deposit Account No. 03-1952 referencing docket no. 399632000820.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment to Deposit Account No. 03-1952 referencing docket no. 399632000820. A duplicate copy of this petition is enclosed for that purpose.

Respectfully submitted,

Dated: May 2, 2001

By:



Kate H. Murashige
Registration No. (29,959)

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125

Docket No.: 39963-20008.20	Atty: Bruce Grant <i>NBT</i>
Serial No.: 09/017,735	Filing Date: February 3, 1998
Title: HLA-A2.1 BINDING PEPTIDES AND THEIR USES	
Date of Mailing: September 4, 2001	

Papers enclosed herewith:

1. Transmittal (2 pages);
2. Response to Notice Communication from the Examiner dated 30 July 2001 (3 pages);
3. Request for Extension of time (2 pages);
4. Return postcard.

FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$890.00)

Complete if Known

Application Number 09/017,735

Filing Date February 3, 1998

First Named Inventor Howard M. GREY, et al.

Examiner Name Schwadron, R.

Group Art Unit 1644

Attorney Docket No. 399632000820

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

- ☐
- Check
- ☐
- Credit Card
- ☐
- Money Order
- ☐
- Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
-20 =	x	= \$	
Independent Claims -3 =	x	= \$	
Multiple Dependent		= \$	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claims, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	945.00
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility Issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \$55.00 Already charged to Deposit Account \$390.00 outstanding.

(\$55.00)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$890.00)

SUBMITTED BY

Name (Print/Type)

Bruce Grant

Registration No.
(Attorney/Agent)

47,608

Complete (if applicable)

Telephone

858-720-7962

Signature

Date

September 4, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Jordan Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

d-55627

PATENT
Docket No. 399632000820

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BOX SEQUENCE, Assistant Commissioner for Patents, Washington, D.C. 20231, on September 4, 2001.

Jason Berry

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Serial No.: 09/017,735

Filing Date: February 3, 1998

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THEIR USES

Examiner: Schwadron, R.

Group Art Unit: 1644

TRANSMITTAL

BOX SEQUENCE
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Attached hereto for filing are the following:

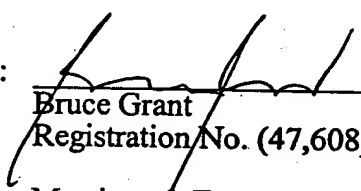
1. Response to Communication from the Examiner dated 30 July 2001.
2. Request for Extension of Time
3. Return postcard

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Respectfully submitted,

Dated: September 4, 2001

By:


Bruce Grant
Registration No. (47,608)

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3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7962
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Examiner: Schwadron, R.

Group Art Unit: 1644

PETITION FOR EXTENSION OF TIME
37 C.F.R. § 1.136(a)

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant petitions the Assistant Commissioner for Patents under 37 C.F.R. § 1.136(a), to extend the time for response to the Notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures dated March 2, 2001.

This extension will extend the time the response is due from April 2, 2001 to May 2, 2001.

- ☐ A one month extension is requested; the extension fee is \$110.00
- ☒ A five month extension is requested; the extension fee is \$945.00.
- ☒ A one month Petition for Extension of Time was previously filed with the appropriate fee on 2 May 2001.
- ☐ The shortened statutory period has been reset by an Advisory Action dated *.

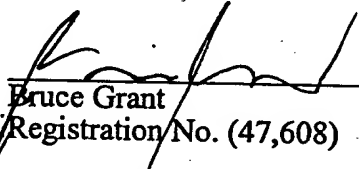
- ☐ A check in the amount of \$* is attached.
- ☒ Charge \$890.00 to Deposit Account No. 03-1952 referencing docket no. 399632000820.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment to Deposit Account No. 03-1952 referencing docket no. 399632000820. A duplicate copy of this petition is enclosed for that purpose.

Respectfully submitted,

Dated: September 4, 2001

By:


Bruce Grant
Registration No. (47,608)

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7962
Facsimile: (858) 720-5125

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on September 4, 2001.

Jason Berry

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Howard M. GREY et al.

Serial No.: 09/017,735

Filing Date: February 3, 1998

For: HLA-A2.1 BINDING PEPTIDES AND
THEIR USES

Examiner: Schwadron, R.

Group Art Unit: 1644

RESPONSE TO COMMUNICATION BY THE EXAMINER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Communication from the Examiner mailed 30 July 2001, for which a response was due on April 2, 2001. A five (5) month extension of time less the amount corresponding to the one month extension of time already taken is enclosed, which renders this response timely filed as of 4 September 2001. Please enter the following remarks.

REMARKS

The original Sequence Listing in the above-captioned patent application was filed on May 18, 1998, in response to the first Notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acids sequence disclosures. This communication is in response to the second Notice to comply, dated 2 March 2001, and a Communication from the Examiner dated 30 July 2001 where the Examiner has asked the Applicants to submit a sequence listing for the amino acid sequences recited in claims 9, 31, 41 and 54 which is allegedly required by the pre July 1998 rules.

However, we would like to reiterate the fact that the amino acids presented in the claims are not amino acid sequences as defined by 37 CFR 1.821-1.825. They are listings of alternative, specific residues that are defined at a particular position for the designated motif. This is clarified in the Preliminary Amendment, filed 30 June 1999, where the referenced amino acid residues are separated by commas.

We have identified no pre May 1998 rule which requires that a sequence be submitted where no sequence is set forth in the specification or claims. We have placed a telephone message with Mr. Robert Wax at (703) 308-4216 to clarify whether a sequence listing is required for the subject matter set forth in claims 9, 31 and 54 under the pre July 1998 rules. If the Examiner is aware of a particular pre July 1998 rule requiring the submission of a sequence listing for the subject matter set forth in claims 9, 31, 41, and 54, it is respectfully requested that the rule be disclosed.

Due to a forementioned reason, it is not believed that a Sequence Listing is required for the above-captioned patent application.

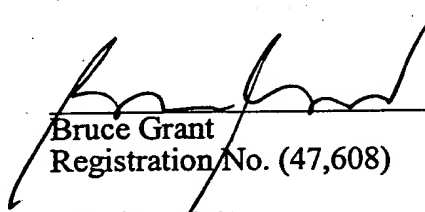
In the unlikely event that the transmittal letter is separated from this response and the U.S. Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our Deposit Account No. 03-1952. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 4, 2001

By:


Bruce Grant
Registration No. (47,608)

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7962
Facsimile: (858) 720-5125



UNITED STATES DEPARTMENT OF
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Exhibit D

KHM

39963-2008.20

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/017,735	02/03/98	GREY	018623-00589

KHM
ELLEN LAUVER WEBER, ESQ.
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

HM11/0302

EXAMINER SCHWADRON, R

ART UNIT 1644	PAPER NUMBER
------------------	--------------

DATE MAILED: 03/02/01

018623-005890US

Please find below and/or attached an Office communication concerning this application or proceeding.

JM Lockyer
Commissioner of Patents and Trademarks

RECEIVED

MAR 13 2001

MORRISON & FOERSTER, LLP
SAN DIEGO

DOCKETED Seq. Data Dve

REMINDER:

DUE DATE: 4/2/01

FINAL DUE DATE: 9/2/01

RECEIVED

01 MAR -8 AM 10:04

TOWNSEND & TOWNSEND
GREY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/Or Amino Acid Sequence Disclosures.

No Sequence listing has been submitted for the sequences recited in claims 9, 31, 41 or 54. The sequence listing submitted in the instant application has been submitted in the preJuly 1998 format and therefore is subject to the preJuly 1998 sequence rules wherein a sequence listing is required for the aforementioned sequences.

Any inquiry concerning this communication should be directed to Examiner Ron Schwadron, Art Unit 1644, whose telephone number is (703) 308-4680.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.



RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800 (600

Ron Schwadron, Ph.D.
March 1, 2001

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See enclosed note

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE



UNITED STATES DEPARTMENT OF
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Exhibit E

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/017,735 02/03/98 GREY

BIDG
KATE H. MURASHIGE
MORRISON & FOERSTER LLP.
3811 VALLEY CENTRE DRIVE,
SUITE 500
SAN DIEGO CA 92130-2332

HM12/0730

H	018623-00589
39963-2000820	
EXAMINER	

SCHWADRON, R	
ART UNIT	PAPER NUMBER

1644

DATE MAILED:

07/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

URGENT

DOCKETED Seq. listing

REMINDER: 8/6/01

DUE DATE: 9/2/01 w/ 5m EOT

FINAL DUE DATE: 9/2/01 w/ 5m EOT

RECEIVED

AUG 03 2001

MORRISON & FOERSTER
SAN DIEGO



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

The communication filed 5/7/2001 is not fully responsive to the communication mailed 3/2/2001 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report.

No Sequence listing has been submitted for the sequences recited in claims 9,31,41 or 54. The sequence listing submitted in the instant application has been submitted in the preJuly 1998 format and therefore is subject to the preJuly 1998 sequence rules wherein a sequence listing is required for the aforementioned sequences.


Regarding applicants comments in the amendment filed 5/7/2001, the aforementioned claims recite a written description (versus formula depiction) of an amino acid sequence. For example, claim 9 discloses the sequence XYXXXXXZ, wherein Y and Z are the particular amino acids recited in the claims and X at position 3 is 1-3 amino acids. The sequence listing submitted in the instant application has been submitted in the preJuly 1998 format and therefore is subject to the preJuly 1998 sequence rules wherein a sequence listing is required for the aforementioned sequences.

If a complete reply has not been submitted by the time the shortened statutory period set in the communication mailed 3/2/2001 has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period.

Any inquiry concerning this communication should be directed to Examiner Ron Schwadron Art Unit 1644, whose telephone number is 703-308-4680

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Ron Schwadron, Ph.D.
Primary Examiner
Art Unit 1644


RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800 1600